

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

LAND ACQUISITION- Decretal charges-Ananthapur District-Yadiki Mandal-Chandana Village-S.No. 703-A2B, Ext.1.16 acres acquired for excavation of Yadiki Branch Canal-Award No. 16/92, dt: 23.3.1992-Orders passed by the Lower Court in O.P.No. 03/2007, Dated: 21.04.2008-Payment of enhanced Compensation-Sanction of Rs. 1,70,205/- Orders Issued.

IRRIGATION & C.A.D (PW-LA.II) DEPARTMENT

G.O.Rt.No. 256

Dated: 06 .05.2010  
Read the following

- 1) From the District Collector, Ananthpur Lr.Rc.No. G2/4548/2009, Dated: 10.9.2009.
- 2) From the Chief Secretary to Government & CCLA, A.P. Hyderabad CCLA Lr.No. G4/1469/2009, Dated: 20.10.2009.

O R D E R:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and District Collector, Ananthapur in the references Ist and 2<sup>nd</sup> read above have submitted the proposals in O.P.No. 03/2007, Dated: 21.4.2008 for an amount of Rs. 1,70,205/- (Rupees One Lakh Seventy thousand Two hundred five only) for an extent of 1.16 acres of land in Sy.No. 703-A2B etc acquired through Award No. 16/92, dated: 23.3.1992 for excavation of Yadiki Branch Canal of Chandana Village of Yadiki Mandal of Ananthapur District. The District Collector, Ananthpur has further submitted that the lands in S.No.703-A2B Extent 1.16 acres of Chandana Village of Yadiki Mandal of Ananthpur District were acquired for excavation of Yadiki Branch Canal in Award No.16/92 dt.23.3.1992. The compensation amount of Rs. 27,000/- was paid to the awardees. Aggrieved with the market value fixed by the Land Acquisition Officer, the claimants received the Compensation under protest to refer the matter to Civil Court U/s. 18 of the L.A Act. Accordingly the matter was referred to Civil Court, Ananthpur in **O.P.No.03/2007** and the Civil Court in its orders dated 21.04.2008 in **O.P.No.03/2007** while enhancing the tree value from **Rs.30/-** to **Rs.100/-** per tree and also directed to pay 30%Solatium and 12%Addl. Market value on the enhanced market value from 8/90 to 3/92 (20 months) and interest at 9% for a period of one year from the date of award and at 15% p.a. for the remaining period till the date of deposit. The District Collector, Ananthpur has further informed that the Special Deputy Collector, L.A. PABR Stage-II, Ananthpur has prepared final calculation sheet, according to the court orders and submitted proposals for approval in the District level Monitoring Committee. Further, the Government Pleader for Appeals, AP High Court, Hyderabad has also opined that there is no necessity to file an appeal against the orders of the Senior Civil Judge, Gooty in the above O.P. in view of the judgment of Hon'ble High Court in **A.S.No.1046/2000**. Government have issued instructions in G.O.Ms.No.79, I& CAD (PW- Land Acquisition- IV-R&R-1) Dept. Dated. 19-04-2006, the District Collectors/Special Collectors are authorized to take a decision whether to prefer an appeal or to deposit the decretal charges amount where the enhancement is above 100% but below 150% and the total additional financial involvement is less than Rs. 10.00 Lakhs. In this case, the enhancement is 233%, which is beyond the purview of DLLMC. Accordingly in the DLLMC meeting held on 22-08-2009, it was decided to refer the matter to Govt., for their consideration and sanction of Decretal Charges.

2. The District Collector, Ananthapur has requested to sanction an amount of Rs.1, 70,205/- (Rupees One Lakh Seventy Thousand and Two Hundred and Five only) in A.S.No. 1046/2000 in O.P.No.**03/2007** dated. 21-04-2008 to

avoid further legal complications. The CCLA., A.P., Hyderabad has recommended for an amount of Rs. 1,70,205/-.

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3. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 1,70,205/- (Rupees One Lakh seventy Thousand and Two Hundred and Five only) towards decretal charges to deposit in Civil Court in O.P.No. **03/2007**, in respect of lands in Sy.No. 703-A2B extent of 1.16 acres pertaining to Chandana Village, Yadiki Mandal, Ananthpur District acquired for excavation of Yadiki Branch Canal in Award No. 16/92, Dated: 23.3.1992, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the District Collector, Ananthpur should verify the calculations made by the SDC, LA, PABR Stage-II, Ananthpur once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules, before depositing the amount in the Lower Court.

4. The District Collector, Ananthpur is directed to deposit the above sanctioned decretal amount in the respective court after through verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges, if any, already paid. He is also directed to follow directions of Hon'ble High Court dated: 30.04.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

5. The expenditure sanctioned in Para (3) above shall be debitable to the Head of Account under : "4701 COLON M&M – Irrigation – (01) – Major Irrigation – commercial – MH – 104 TBP HLC Stage-II-GH-(11)-Normal state Plan – SH (27) C&D – 530-532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially amount from voted grant.

6. This orders issues with the concurrence of Finance (W&P) Department vide their U.O.No. 1982/F5.A2/2010-1, Dated: 27.04.2010.  
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA  
SECRETARY TO GOVERNMENT

To  
The Special Chief Secretary to Govt & CCLA, A.P. Hyderabad  
The District Collector, Ananthpur  
The Special Deputy Collector, LA, PABR Stage-II, Ananthpur  
The Engineer-in-Chief, I&CAD Department, Erranmanzil, Hyderabad  
The Revenue Divisional Officer, Ananthpur  
The Superintending Engineer, I & CAD, Ananthpur  
The Director of Works and Accounts, Hyderabad  
Copy to  
P.S. to Minister (M & MI)  
Law Department/Finance (W&P) Department  
C.No. 27644/L.A.II/A2/2009  
Stock file/Spare Copies.

//FORWARDED BY ORDER//

SECTION OFFICER.